CLASSIFICATION OFFICE DECISION

Title of publication:	189579_190876707619847_100000925582825_456447_6844549_n.jpg
Other known title(s):	Not stated
OFLC ref:	1300159.006
Medium:	Computer Image File Printout
Distributor:	Not stated
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	Secretary for Internal Affairs
Classification:	Unrestricted.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	13 March 2013
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	12 March 2013

Summary of reasons for decision:

The printout has a photographic image showing a young child, standing naked in the sandhills with the sea in the background. The child faces the camera, legs apart, and urinates onto the sand. The genital area is exposed but in shadow and cannot be clearly seen. The nudity shown is not sexualised. The image is a photograph taken in a setting where neither the nudity of a child, nor his unselfconscious act of urination in the sandhills, would be seen as particularly remarkable. Although people with a sexual interest in children might find the child's nakedness titillating, a reasonable person would be unlikely to regard the image as sexual.

The image raises no issues under s3(1), s3A or s3B of the Films, Videos, and Publications Classification Act 1993. The printout must, therefore, be classified as unrestricted. This classification is consistent with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990.